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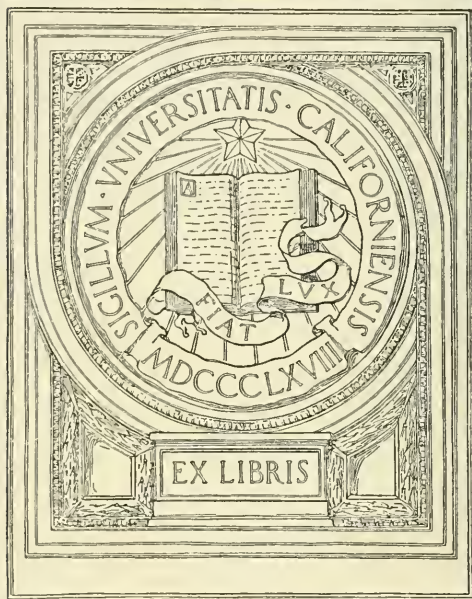


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Lower California Expedition

By
William W. Gwin

UNIVERSITY OF CALIFORNIA
AT LOS ANGELES



Robert Ernest Cowan

SPEECH

OF

MR. GWIN, OF CALIFORNIA,

IN THE SENATE OF THE UNITED STATES, JAN. 19, 1854,

On the Proclamation of the President of the United States, of the 18th January, 1854, relative to the Expedition to Lower California.

Mr. GWIN said: Mr. President, I ask the unanimous consent of the Senate to offer a resolution personal in its bearing upon the State which I in part represent here. I desire it to be considered now, and wish to give the reasons why it should be adopted. I will detain the Senate but a few minutes. When honorable Senators hear the resolution read, they will see the reason why I should be granted the courtesy:

Resolved, That the President of the United States be requested to communicate to the Senate the number of ships-of-war on the coast of California, Oregon, and Washington, whether in active service, or lying in port unemployed; also, the number on the whole Pacific coast of North and South America, and their cruising grounds; also, whether, in his opinion, the naval force of the United States on the Pacific coast, in the year 1853, was sufficient to prevent the departure from ours to foreign territory of any unlawful expedition that might be hastily formed from the adventurous persons usually to be found at all points of great commercial activity and enterprise, whether in the United States or Europe; also, the number of ships of war on the Atlantic coast, and other cruising grounds, whether in active service, or lying in port unemployed; also, the number of troops in California, Oregon, and Washington.

Mr. President, I am induced to offer the resolution from seeing in the morning papers a proclamation which I wish the Secretary to read.

The SECRETARY read it, as follows:

A PROCLAMATION,

By the President of the United States:

Whereas, Information has been received by me that an unlawful expedition has been fitted out in the State of California with a view to invade Mexico—a nation maintaining friendly relations with the United States—and that other expeditions are organizing within the United States for the same unlawful purpose: And whereas, certain citizens and inhabitants of this country, unmindful of their obligations and duties, and of the rights of a friendly Power, have participated, and are about to participate, in these enterprises, so derogatory to our national character, and so threatening to our tranquillity, and are thereby incurring the severe penalties imposed by law against such offenders:

Now, therefore, I, Franklin Pierce, President of the United States, have issued this, my proclamation, warning all persons who shall connect themselves with any such enterprise or expedition that the penalties of the law denounced against such criminal conduct will be rigidly enforced; and

I exhort all good citizens, as they regard our national character, as they respect our laws or the law of nations, as they value the blessings of peace and the welfare of their country, to discountenance, and by all lawful means prevent, such criminal enterprises; and I call upon all officers of this Government, civil and military, to use any efforts which may be in their power to arrest for trial and punishment every such offender.

Given under my hand and the seal of the United States, at Washington, this eighteenth day of January, [L. s.] in the year of our Lord one thousand eight hundred and fifty four, and the seventy-eighth of the independence of the United States.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

Mr. GWIN. Mr. President, this proclamation was issued against persons who are said to be citizens of the State of California. I wish to bring to the notice of the Senate a fact which I think it is proper should go out to the country with that proclamation, and it is this: That at the time this expedition is said to have been gotten up in the State of California, the United States had no force there to prevent the sailing of such expeditions. I wish to bring it to the notice of the Senate and the country that at the very time the first expedition went from California, a single steamship-of-war, with one gun, could have prevented it. And, sir, is there no allowance to be made for the state of the country which was its destination—Lower California and Sonora?

Sir, here was an expedition of forty-five men that passed out without obstruction from the Golden Gate, less than a mile wide, and which any one gun can command, as against a ship without cannon; and they went to a country as large as half a dozen States of this Confederacy, took possession of it, and issued a proclamation proclaiming it a Republic.

If the President of the United States intends to put down such expeditions there or elsewhere, he should have a force of the United States to prevent their departure from our ports. At the time this vessel left the harbor of San Francisco, there were

but two ships-of-war in active service on the whole Pacific coast of South and North America—one at the Sandwich Islands, having been ordered there for the purpose of preventing the consummation of one of the expeditions referred to in the proclamation; the other, as we all supposed, was cruising at the mouth of the Gulf of California, but subsequent information informs us that it had sailed for the coast of Peru, to look after some difficulties which our Government has had with that Republic.

Now, on a coast of over five thousand miles, we had but two ships-of-war to protect our commerce and maintain our neutrality obligations. Is it not a farce to say that such a force can accomplish these objects?

There was also a second expedition reported to have sailed from San Francisco, in a vessel with two hundred and fifty men on board, which was towed out of the harbor by a steamship without the slightest obstacle on the part of the Government of the United States, and why? Because it had no force there. When we ask for a steamship in the revenue service to prevent smuggling on that coast, we are told it costs too much; and when I ask that appropriations shall be made to put that coast in a state of defense, I am almost scouted at, because it costs so much money. This miserable system of economy has left us without Government power, either to defend us from an enemy or prevent the sailing of unlawful expeditions from our ports.

Here, now, we are proclaimed to the world as going to and disturbing the peace of other nations, by expeditions got up on that coast, when we are given a *carte blanche* to go where we please, and violate any law we please, so far as the power of the Government is concerned; for the only law rigidly executed there is the law of taxing us, and collecting the revenue from us.

Now, Mr. President, I am opposed to all unlawful expeditions of this sort; but it must be known that in a new country like California, where there are so many adventurous spirits, and where the countries adjoining us are offered to us simply for the going and taking them, the power of the United States must be vigilantly and properly executed, if such expeditions are not to be carried out.

Mr. President, it must be known to the people of this country that when there are some of the richest mineral countries in the world adjoining the State of California, with a population utterly unable to defend them against the Indian tribes in their neighborhood, expeditions of this kind will proceed from California, unless the force of the United States there is sufficient to prevent them. Wherever our people go they carry wealth, power, and prosperity with them, and never forget the principles of liberty they have inherited from our forefathers; and although such expeditions should not be encouraged or allowed, if they succeed, the present inhabitants will be more powerful and prosperous through the change of government than they ever were or can expect to be without a change.

What is the condition of our army on the Pacific coast? It is not, and never has been, efficient, from local causes that we have failed to remedy by legislation, although urged to do so. These expeditions can go by land to Sonora, and, in my

opinion, have gone, or will go; and this paper proclamation of the President will have no effect in stopping any such expedition, because we have no force there to enforce it.

It is useless for the Chief Magistrate of these United States to attempt, by proclamation, to stop any such expedition. As long as the principle of territorial expansion is recognized, and such countries lay on our border as Lower California, Sonora, and the Sandwich Islands, inviting us to take possession of them, and the Government of the United States opposes no effective preventive force, you will find citizens of the United States engaged in such enterprises; and they will be successful. Proclamations without efficient force will not stop them.

Why have we not had a steamship-of-war on the Pacific coast? Because it is said to be too expensive on a sea-coast of sixteen hundred miles, as coal there costs thirty or forty dollars per ton. Here we see again that miserable system of economy, pennywise and pound foolish, that destroys all of the efficiency of Government, and my constituents are to be branded with infamy for violating laws that there is no power to enforce.

I warn the country that unless the power of the Government is exercised efficiently on that coast, they cannot expect us to stand still when we are invited into these magnificent countries which lie around us, and see the Indians take possession of them, when we can get them with the good-will of the inhabitants.

I am very much surprised at the issuing of this proclamation at this time, because it comes too late. I am anxious to aid the President of the United States in observing our neutrality laws; and if it is true that a treaty has been lately negotiated, by which a large portion of Mexico is to come into our possession, it shows indisputably that the public sentiment of the people of the United States, as reflected by the Executive, desires possession of the territory negotiated for, whether in the way of purchase or otherwise.

I hope that treaty embraces all of the territory on our border which Mexico is not able to protect from such incursions and Indian depredations, and that we shall have a mountain or desert boundary between the two Governments that can be defended by each. If it does not embrace such an extent of country, I shall favor such a modification of it as will accomplish this desirable object.

Mr. President, the Senator from Indiana states that I got up here to defend my constituents for committing acts of lawless robbery, because the United States did not put bolts and bars around them to prevent them from doing it.

Mr. PETTIT. If the Senator will allow me, I will correct him. I did not say that he had got up to defend them, but that he had got up, undertaking to defend his constituents, not for that act, but admitting that they were of that class who would rob and steal, if not prohibited or prevented by bolts and bars.

Mr. GWIN. That is not true. I made no such statement, and no such legitimate inference can be drawn from what I did state. I said that the President had issued a proclamation against certain expeditions which had sailed from California for the purpose of invading a foreign territory; and I gave as a reason why these expeditions had passed from our territory, that the

Government of the United States had failed to put such a force there as would prevent their sailing. He says this is defending stealing, and that I am in favor of having bolts and bars put around my constituents. Why, sir, what do his constituents have at home to prevent lawless acts, perhaps as frequent there as in any State in the Union?

There are jails and penitentiaries for culprits in the State of Indiana. The State authorities protect the citizens against acts of depredation. But who but the Government of the United States has control of the foreign police of the country? How is the President to enforce his proclamation unless by using the arm of the United States?

Sir, I was not defending these expeditions, but I was saying that the President of the United States could not have prevented them with the effective force of the United States now on that coast. I do not charge the President with neglect, nor his predecessor; but I say if the Government of the United States had but a sufficient force there, and had used it efficiently, such expeditions could not have sailed from our ports. Is this defending them? I do not say that there are not lawless men in California; but not more than in other sections of the country who cannot resist that important precept of the Holy book, "Lead us not into temptation."

Why, Mr. President, I have a distinct recollection when the drum and the life summoned volunteers to go to Texas from the various portions of the Atlantic coast, and that the Government was censured for not preventing such movements. Nor am I defending them. No, sir; but I say, when the President issues such a proclamation, it is the duty of this Government to provide means for its enforcement, and to have that kind of force on the spot which is necessary to prevent the organization of such expeditions. That is the ground which I take. With what justice and truth can any Senator charge me with defending any lawless acts?

My constituents pay taxes to keep up an army and navy, and we are entitled to the benefit of them, either for protection against a foreign enemy, or to enforce our neutrality laws, if that be necessary. As to surrounding the country with bolts and bars, or an army or navy, I asked for no such thing.

There is at present but one point on the Pacific coast where such an expedition could be fitted out—the harbor of San Francisco—and there, as I stated before, a single steamship with one gun could effectually arrest it. I am not interfering at all in regard to these expeditions, nor defending them, but I say that such a proclamation, backed by no force, will have no other effect but to irritate the people of that State.

I wish to call the attention of the Senate and the country to the fact that there is not a gun mounted on the Pacific coast—that there was not a ship-of-war, when these expeditions sailed, within thousands of miles of our coast. I wish to get this information before the American people, to show the necessity of having some means of defence there, against foreign enemies as well as lawless expeditions.

Mr. BADGER. Mr. President, I agree with the honorable Senator from California, that there ought to have been a force on the Pacific coast sufficient to enable the officers of the United States

to prevent the setting out of this lawless expedition—an expedition, the successful prosecution of which, from one of the ports of the United States, is calculated to inflict a deep reproach upon our national character. But I must be permitted to say, that I think the honorable Senator from California is mistaken in attributing blame on account of the omission to have such a force there, either to the present or the late Administration. That Senator and myself well know that the system of cutting down the estimates which obtained during the last Congress, and the Congress before, left both the late and the present Administration without the pecuniary means of maintaining such a force there as should make the Government at all times prepared to execute its laws, and vindicate the character of the country against these lawless depredators upon peaceable States adjoining to us.

Now, sir, it is possible, nay, it is probable, that it might have been in the power of the present Secretary of the Navy, or of the late Secretary, or of his immediate predecessor in office, to have placed a sufficient force on the Pacific coast; but my friend from California knows that in order to do that, with the existing means of the Government, and the amount of naval force at his command, he would have been necessarily obliged to weaken the naval power which the interests of the country require should be maintained in other parts of the world. I think, therefore, that so far as any blame can be laid to the Government on this subject, we, of the two Houses of Congress, must assume to foot the bill.

The Administration present, and the Administration past, so far as I see, are both blameless upon that subject. They have stated to us in their estimates what the necessities of the country require. They have asked that the necessary amount should be voted. Congress has refused. There are no means by which a President of the United States can raise money but through the instrumentality of an act of Congress. He cannot levy "ship money," as the Kings of England once did. He cannot make involuntary contributions, under the denomination of "benevolences." He can only apply what you place at his disposal to maintain the honor and enforce the laws of the United States. I feel persuaded, strongly persuaded, that if the Senator from California, and myself, who always resisted in the Committee on Naval Affairs, and on this floor, this system of capriciously and arbitrarily striking down the appropriations, could have been successful in our views, this late transaction would not have happened—which we all deplore, and which will be considered abroad as a reproach upon our national character, as if we were disposed to look with toleration, if not with favor, upon such lawless adventures upon the dominions of peaceful Powers in our neighborhood.

I thought it right to say thus much because I think that while we are speaking in just terms of indignation of such a proceeding, it is right not to inflict blame where the blame does not properly lie.

Mr. SHIELDS. Mr. President, I will not protract this debate; for what has been said by my honorable friend from Indiana, [Mr. PLATT], and my distinguished friend from North Carolina, [Mr. BADGER], makes it unnecessary for me to say a

word. Sir, I regretted to see the Senator from California rise in his place and charge the President of the United States with a neglect of duty—for it amounts to that—in that he had not furnished sufficient force to prevent these depredations.

Mr. GWIN. Mr. President, the Senator from Illinois is mistaken. I have made no such charge.

Mr. SHIELDS. What the honorable Senator said surely amounts to that.

Mr. GWIN. It does not; and I did not intend any such thing.

Mr. SHIELDS. He charges the Government of the United States, as I understand, with blame and censure for not having a naval force on the Pacific coast to prevent these unlawful expeditions; and yet he is the chairman of the Committee on Naval Affairs, whose especial duty it is to furnish that force; and he has neglected, or has been unable to furnish, a sufficient force to the President to prevent these unlawful expeditions.

So, sir, with regard to the military force on that coast; that is also insufficient; but we cannot blame the President, because he has not furnished a force which does not exist. Our Navy is insufficient to protect our coast, and our Army is also insufficient.

The Senator from California, if I understand him, also blames the President for issuing this proclamation. Sir, I think the President would not be worthy of the position that he holds if he did not issue such a proclamation. He must, so far as he can do it, as the Executive head of this nation, absolve the nation from the disgrace of these lawless, unprincipled, vagabond expeditions. The honorable Senator seems to justify this pitiful expedition of forty-five men, as I understand him—

Mr. GWIN. I do not wish the Senator to misunderstand or misrepresent me. I did not justify it; and I have not done so; but I stated that it went out because there was no force to arrest it.

Mr. SHIELDS. I am glad to find that the Senator does not justify it. I am glad to find that there is not one Senator on this floor who will justify such an expedition. Before the Senator charges the President of the United States with neglect of duty, or reproaches him, he should rise in his place and tell us where the President was to find the vessels to go there to protect that coast.

Mr. GWIN. I will do it when the Senator is through.

Mr. SHIELDS. I should like to hear the Senator do it, and to show that fact. Sir, I have more than contempt for such expeditions as this Walker expedition upon that poor, helpless, defenseless, and unsuspecting population. My opinion is, that the men who could go there, who could go down upon the poor defenseless inhabitants of the frontier of Mexico and surprise them, as it were, would do what they have done when they meet with resistance—fly back to their vessels again.

I repeat what was said by the honorable Senator from North Carolina, that such expeditions are bringing reproach upon the country; and the President would share in that reproach if he did not pursue some course to arrest it.

Mr. GWIN. Mr. President, the Senator from Illinois might have withheld his reproaches and attacks upon these men who are now in their graves. The last intelligence informs us that they have all been put to death. It was uncalled-for

and very wrong to reproach men who have suffered for the crimes which he alleges they have committed. Sir, it is one of the charges which I bring against the efficiency of this Government, that it has not been able to stop such expeditions and prevent such catastrophes.

Mr. SHIELDS. Will the honorable Senator tell us wherein the dereliction of the Government consists?

Mr. GWIN. If the gentleman had listened to the resolution, he would have seen that it asked the President of the United States to inform us where the naval forces of the country are. I can tell him where some of our ships-of-war are.

I do not pretend to say that the expedition to Japan has not had beneficent, useful, and important purposes to accomplish. I do not pretend to say that the naval force in that expedition is not properly and usefully employed; but, sir, if the President of the United States cannot maintain our neutrality, and keep so large a squadron in that service, the question presents itself whether it would not be better to order one of the steamships-of-war accompanying and composing part of that squadron to the coast of California.

Sir, I was in favor of the Japan expedition; but I wish to know whether it is not the duty of the Chief Magistrate of this nation to place the naval force of the United States—inefficient as I acknowledge it to be—so as to see that the laws are faithfully executed, and that our commerce and our honor, as a nation, are not infringed upon; and if he has done so, I do not, and have no cause to complain.

Again, sir, we have a surveying expedition to Behring's Straits, in which five vessels-of-war are employed. I was in favor of that expedition, and it was upon my motion that it was organized; but is it of more importance to survey unknown seas, than to so place our naval force as to do away with the necessity of such proclamations? My inquiry is whether the Navy of the United States is properly distributed to protect our neutrality, our commerce, and national honor? That is the inquiry which I propose by this resolution, and if it is, then it will be more imperatively our duty to increase the Navy, and thus enable the Executive to execute his whole duty to the people of the United States as well as to foreign nations. I have attached no blame to the President. I have simply stated a fact, which should be recorded in the history of this country—that inefficient as our Navy is, we have great and grand expeditions in remote portions of the globe, away from our territory, within which such expeditions as are referred to in the proclamation are being fitted out, and there is not a ship of war to prevent their sailing. The object of my resolution is to get information as to where our ship-of-war were stationed when these expeditions sailed from California; and I wish to know what power the President has at his command to execute with effect the proclamation which he has issued? He threatens punishment against the persons engaged in such expeditions. What power has he to bring those thus engaged before the courts—for you cannot punish except where the crime is committed—and what forces, military or naval, is there on the Pacific to execute that proclamation? For what practical purposes is the proclamation issued, when there is no power within the control

of the Executive on that coast to have it respected?

It is well known to the Senator from Illinois, and to every member of this body, that ever since I have been at the head of the Committee on Naval Affairs, I have been in favor of increasing the Navy. It is known that I have, in my place, time and again, brought forward and urged upon the Senate the necessity of appropriating the amount asked for in the estimates of the Navy Department for that object. Here, in my place, as the organ of the Committee on Naval Affairs, I asked last session for the building of five or six additional steamships-of-war; and during this session, by the unanimous approval of the committee, brought forward a report indorsing the recommendation of the Secretary of the Navy to add six additional ships-of-war to our Navy. I have at all times, and on all occasions, advocated the increase of the Navy, and why should the Senator refer to me, as chairman of the Naval Committee, implying a censure, when he says Congress is to blame for our inefficient Navy, and he knows the fault does not lie with me, but with the other House of Congress?

I censure no one, nor any branch of the Government; but state a fact, which cannot be controverted, that so long as that coast of one thousand six hundred miles in extent is filled up with an adventurous people, who have the privilege of gathering the rich fruits which lie along side them, you cannot keep down these expeditions without an efficient naval force. And I say, further, that when the President issues a proclamation of this nature, he should ask Congress for power to enable him to see that proclamation executed. It is our duty to prevent such terrible catastrophes as took place at Havana, where fifty American citizens were shot down like dogs; and as has recently occurred in Mexico, where, according to the last information we have received, these forty-five individuals who invaded Lower California were put to death.

I know perfectly well that these expeditions are calculated to cast a stain upon the country; and the Executive will, when called upon, do me the justice to state that ever since I have been here, I have been urging him to exercise the whole of his power in supplying the deficiency of the Navy on the Pacific coast, by chartering vessels to prevent the sailing of such expeditions, and protect those engaged in them from being put to death on a foreign soil without trial. The people of California are no more in favor of lawless expeditions than citizens of other States with the same temptation.

Mr. BRODHEAD. Mr. President, it seems to me that we have already all the information which is called for by this resolution. The honorable Senator from California informs us that he desires to know how our naval force and ships-of-war have been employed. Why, the Secretary of the Navy has informed us in the report which was communicated to us by the President of the United States at the opening of the session. I have no objection, sir, that the Senator from California shall make the statement which he has given to the Senate. It may all be right. It may be necessary that he should call to the attention of the Senate; but it is quite unnecessary for us to pass this resolution; for we shall receive no fur-

ther information from the President of the United States when he answers the call, than we possess already.

Mr. MASON. Mr. President, it is very certain that the honor of the country, as well as its safety, is deeply interested in preventing these marauding expeditions from leaving our shores with a view to commit depredations upon foreign Powers; but I am not prepared to say at present, at least, that this Government is to change its policy in the use of the military force which is placed at its disposal, either by sea or land, for the purpose of preventing our people from violating the laws. I had not the pleasure of hearing all that fell from the Senator from California, but I think I heard enough from him to understand his position to be this: That our Navy is to be increased, for the purpose of requiring the laws to be executed against our own citizens.

Mr. GWIN. The Senator will permit me to state that what I said was this: If there had been a single ship-of-war in the harbor of San Francisco when these expeditions were fitted out, it would have been impossible for them to have sailed; and the Government of the United States should execute the neutrality laws, by preventing the fitting out of such expeditions within our own harbors, and within a marine league of the coast of the United States. I did not to say that the Navy of the United States could be used out upon the sea in pursuing expeditions fitted out in the United States.

Mr. MASON. I did not ascribe any such statement to the honorable Senator at all; but I understood the drift of his remarks to be, that we ought to increase the Navy for some purpose, and, among other reasons, because it is shown that a navy is required to prevent the citizens of the country from violating the laws of the country. Now, sir, I deny that absolutely and positively. I am no enemy to an increase of the Navy, provided the Navy is increased for the legitimate purposes of the Navy. I understand the legitimate purposes of our Navy, in time of peace, to be simply to protect our commerce; and I agree in the policy of the late Administration, and of the present Administration, that when they can safely and prudently employ a portion of the Navy in the navigation of foreign seas and the explorations of foreign waters, for the purpose of increasing our commerce, it is a legitimate use of it; because nothing gives a greater stimulant to the products of the country than the means of commercial exchange abroad.

Now, I understood the Senator from California further to say, or at least I gathered from what fell from him after I came into the Senate Chamber, that he thought it was not the part of the Executive to have issued this proclamation until he first provided there a competent force.

Mr. GWIN. No, sir; I stated the fact that the cause of this proclamation originated from the want of a proper naval and military force to see that the laws of the United States were executed; and I wish the Senator to understand that I am entirely in favor of using the Navy in the way he mentioned to promote our commerce.

Mr. MASON. I have no doubt the Senator from California has well said, that, from the adventurous character of the population who have gone to our Pacific border, these expeditions are

more likely to be fitted out from that quarter than from any part of the Atlantic coast; but I understood him to say, further, and, doubtless to say correctly, that there was no point upon that extended sea-coast where such an expedition could have been fitted out but at San Francisco.

Mr. GWIN. My reason for that remark was this: San Francisco is a city of large population. In other portions—in the sparsely-settled parts of the country—an expedition of this sort could not have been gotten up without such notoriety as would have defeated its object.

Mr. MASON. I understood it so; and it is certainly no reflection on the people of the city of San Francisco to say, that because from the number of the population and the facilities given there, it is the only point where such an expedition could have embarked.

Now, sir, I have understood the policy of this country to be, to rely upon the people of the country to protect each other by seeing to the due execution of the laws. Our Federal Government has no police distributed throughout the country for the purpose of seeing that the laws are executed; and I will say to the Senator and to the Senate, that when the day comes that we must have an armed police, by land or water, to see to the execution of the laws of the United States, the days of the liberties of the country are numbered. I protest against any such policy being avowed in the Senate or adopted by the country.

Sir, I read the proclamation of the President this morning, and he has done only what his predecessors have done from the days of General Washington down, whenever they have had reason to believe that there were existing lawless combinations for the purpose of violating the laws, or that any such would be formed. In such a case it is the duty of the President to issue a proclamation, advising his countrymen of the consequences of such violation of the laws. And why is it issued? It is issued for the very purpose of giving notice to the people of the country that such combinations are likely to arise, in order that the people may put them down.

Who ever heard of stationing a ship in any one of our ports for the purpose of preventing expeditions from going abroad? Sir, if a ship were stationed in the Chesapeake Bay, or in Hampton Roads, within the limits of the State which I have the honor to represent here, for the purpose of teaching her people their duty, I apprehend they would be false to the reputation which they have acquired from their fathers, if they did not demand that that ship should be removed; and if it were not removed, they would remove it themselves. What, sir! is the policy of this Government to be to station ships in our ports for the purpose of preventing the people there from violating the laws of the country, and implicating us with foreign nations? Never! For one, I should be disposed to hold any President to account who did it. I mean, of course, as a general policy—as a general measure of safety. Doubtless, when the occasion arises, when there is a proper and substantial reason to believe that such an expedition is about to be fitted out, it is the duty of the President, if he believes it necessary, upon his high responsibility, to use the forces of the country to prevent it; but I say that the idea of keeping ships in our ports, or anywhere upon our

waters, lest such a thing should occur, is a policy new and unheard of.

Now, sir, a few words in reference to this particular matter. The city of San Francisco has a population of some sixty or eighty thousand inhabitants as well armed, and perhaps better armed, than any population that you can find on any other part of your coast border. If that population has neither the ability nor the means of preventing these expeditions from being fitted out, it will be useless for the Federal Government to attempt it, unless it employs a large portion of the Navy for that purpose. I am against using the Navy for any such purpose as a preventive measure. I am against its going out to the country that there is any necessity for such a use of the Navy. And if the purpose of the resolution be to serve as an admonition to the President, as the sense of the Senate, that the Navy must be so used, I, for one, must vote against it. Sir, I am not personally informed as to the facts, but I have no doubt, from what we see in the newspapers, that the President has taken measures, and efficient measures, to prevent the recurrence of these transactions, without the use of armed ships stationed at the ports of California to prevent them. All I wish to do, is to protest against any such policy as that the Navy is to be enlarged, or is to be used for the purpose of preventing our own people from violating their own laws.

Mr. DAWSON. Mr. President, the turn which this debate has taken makes it a very important matter for the country to understand really the grounds which give origin to it. I did not understand the Senator from California to make any charge against the late Administration or the present Administration for a want of discharge of duty. The question which now arises is this: Has the President of the United States sufficient means of defense subject to his government to meet all the incidents which may occur in this large and extended country? Have we an army sufficient? Have we a navy sufficient? These are the questions which naturally propound themselves on an occasion of this sort. Have we forgotten that, under the treaty with Mexico, we are bound to protect the line of frontier between the United States and Mexico from Indian depredations? Is it not now well understood that already claims against this Government, arising out of that treaty, amount to something in the neighborhood of \$20,000,000? and will it be forgotten that the late Administration called upon the Congress of the United States to give it the means of carrying out the treaty, and protecting the Mexicans and the Americans on either side of the line? Were the means granted? Were the two mounted regiments which were asked for by the late President of the United States and his Secretary of War allowed? No, sir; but the appropriations necessary to carry out that request were denied; and denied by whom? Not by the Executive, but by the legislative department of this Government; and if any deleterious consequences have arisen the fault is here, with us.

Have we forgotten what transpired only twelve months since, when the very idea suggested by my friend from Virginia, the chairman of the Committee on Foreign Relations, as to the sufficiency of the civil power of the country to protect this Government, and to put down all attempts at

filibustering, was brought forward? Was it not then thought that the courts alone were to attend to these matters? Then, I know, some members here regarded the effort of the last Administration to stop the Cuban expedition as a wrong interference, and it was said that the civil authority alone should interfere in these matters.

Now, sir, I did not understand the Senator from California as making any charge against the Government on any of these accounts. All that he desires is to know whether the Government is in an attitude sufficient to protect its honor, and to maintain its standing, and its obligations towards foreign nations? I say it is not. Our military force is not sufficient, and our Army must be increased; not with the idea of having a standing army thrown upon the country for no necessary purpose, but for a far different reason. From the extension of our country, our sea-coast, within the last four years, has been doubled, and it requires a much larger force to protect it than was formerly required.

The divisions which have, at previous times, existed between parties in this country relative to a standing army or a large navy cease to exist, because the present condition of the Army and Navy does not come up to the requisitions of either of the great parties of the country. Protection is the only object of this proposed increase. The object is not to place an incubus upon the country by an overwhelming army for needless purposes, or by a navy to rot in your docks; not so. Our character as a nation has grown; our importance as a nation has grown; and our dignity now can alone be maintained, with that respect due to it from foreign nations, by the power to enforce any obligation that may exist upon us as a nation, and any duty that may exist on the part of the citizens towards the Government.

Now, sir, what I wish to say is this: We have gradually gone on disappointing the hopes and expectations of the various Administrations in this regard. President Fillmore foreseeing, like a judicious man, what was the growing condition of this country, and what would be its necessities, called upon us years ago to increase the Navy, and to increase the Army, to give to the Executive Departments of the Government the power to enforce all the duties which are required of them. Have you done it, gentleman? Who cut down the appropriations for military purposes, and for naval purposes during the last year? The reports of our proceedings in the Senate and the House of Representatives will tell. Is the failure of the representatives of the people to provide for these things to be charged upon this Administration, or upon the late Administration? Certainly not. The fault is here, sir—not with the Executive.

I am no friend to a large standing army. I have never given a vote with that object in view; but I am prepared, as one of the members of the Committee on Military Affairs, to which I have belonged since my first entry into this body, to say that the military force of the country should be increased. That committee has, from time to time, in accordance with the recommendations of the President of the United States, asked you to increase the Army. It was not done. They asked you to provide for raising two mounted regiments to enforce your treaties, and carry out honestly and honorably your obligations. That

was not done. Look at the extent of frontier line between us and Mexico, and then let the future tell this country what millions will have to be paid, under that treaty, by this Government to the Mexicans, on account of our failure to carry out its obligations. Then, when we ask you for the power to do so, and it is not done, who is to blame? Do not charge it upon the President of the United States, or upon the Executive Department of the Government, but upon yourselves—the representatives of the people, who, for the purpose of keeping down the appropriations, have voted against them to gratify the people at home, who are unacquainted with these facts; and you have thus brought our present unfortunate condition upon us.

A word now in relation to the Navy. I have voted for every increase of the Navy which has been presented since I have been here, for it has been presented in detail. The Committee on Naval Affairs, headed by my honorable friend from California, has reported, for the last three or four years, in favor of an enlargement of the Navy; and for what reason? To protect our sea-ports, to protect our commerce, and to interdict these filibustering expeditions, which are so well calculated to dishonor this Union abroad. Who failed to carry out these propositions which were thus presented? The representatives of the people.

Why, then, will any man insinuate upon this floor, or anywhere else, that the late or the present President of the United States, and their various heads of Departments, have failed to do their duty? They have uniformly, boldly, and strenuously recommended to us to do what they thought we ought to do; but we, in our wisdom, turned a deaf ear to their suggestions, and pronounced that the people would not like to see our appropriations so large. When we stopped the appropriations for a few millions, by the simple striking out of a line, we opened a flood-gate of claims against this country amounting to three or four times the sum by which we diminished the appropriations. When those claims shall be presented, if I shall be honored with a seat on this floor, I shall attempt to give a historical sketch of the action of this Government in relation to these appropriations, from the time of the ratification of the treaty with Mexico down to the present day; to show who it has been that failed to strengthen the arm of the Executive Department in order to carry out the obligations which were incurred under that treaty.

Now, sir, a few words as to the expedition of which my friend from California has been speaking. That is one of the incidents belonging to a republican form of government. It is one of the incidents belonging to the peculiar character of that section of the country, where the lands, as the honorable Senator observes, are thrown open, and we are asked to go in and protect the people by giving them a better government than they now have. Men can be found everywhere, not only in California, but in every State of this Union, whose better feelings, not whose disposition to rob and to steal, would prompt them to go and take the control of the Government, in order to mitigate the despotism inflicted upon those people, and give to them a prosperity which they never had before. Because they have gone there they are said to be censurable. How? As citizens, I am

not disposed to degrade them, because they were operated upon by high and magnanimous feelings. I am as much opposed to filibustering as any man upon this floor; but I tell you, sir, that it will arise, and it will continue to arise, until you skirt the whole of your Pacific coast with a naval power sufficient to intercept all of these expeditions; and are we not bound to do it? A great and powerful nation like the United States should stand upon its honor, and discharge every obligation due to other nations. We never can do it, sir, until both the great parties in this country concur in giving strength to the Executive arm of the Government sufficient to carry out our treaty obligations.

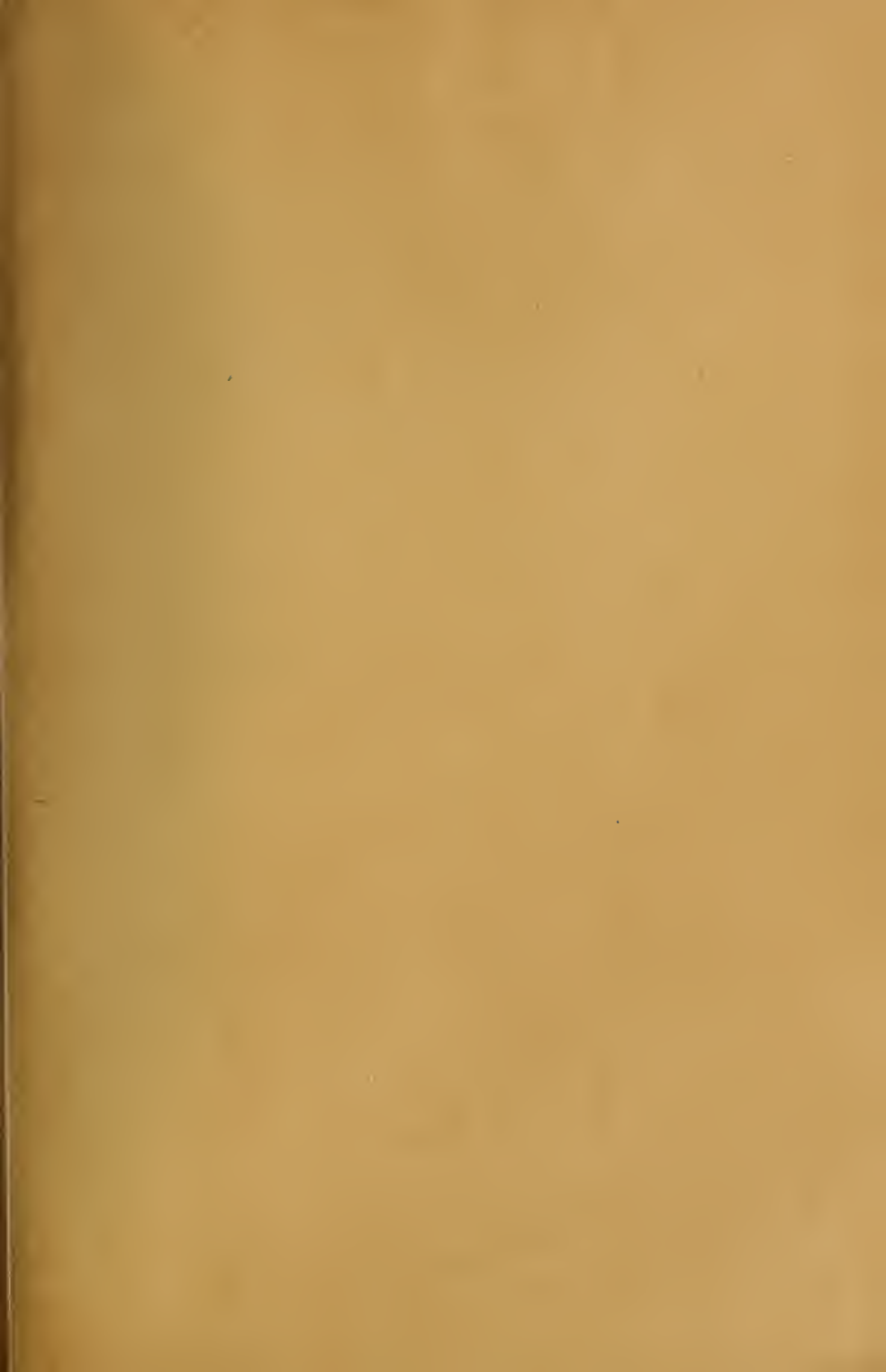
Mr. GWIN. I have no desire to further occupy the attention of the Senate. All I have to say in reply to the Senator from Virginia is, that if this proclamation means anything, it means that the President of the United States has power to execute it. If it is not a mere paper proclamation, he intends to use that power which the laws and the Constitution have placed in his hands for its execution. And I undertake to say, without any special authority on the subject, that the President has issued orders to the naval and military commanders on the Pacific coast to do everything which the Senator from Virginia says it would be a great outrage to authorize.

Mr. MASON. Will the Senator allow me to interrupt him for a moment? Do I understand

him to say that the President of the United States, by virtue of any power in himself, has authorized any portion of the Army or Navy to proceed in the execution of the laws at all, except as auxiliary to the civil power, to execute the process of the courts?

Mr. GWIN. I understand the power of the President of the United States to be, to see that the laws are faithfully executed, and the treaties made with foreign Governments enforced; and therefore I think that if, in his opinion, at any point of the United States there is an expedition fitted out, by citizens of the United States, to invade the territory of another Government, in violation of the treaties of the United States, he has the right to stop that expedition until it is ascertained by the courts of the country whether it is illegal or not. But how can you stop an expedition until this investigation takes place in the courts?

I did not intend to provoke a discussion; but when such a proclamation on this subject is issued against citizens of my State, I intend to state the acknowledged fact, that there was an invitation, if I may so say, from the people of the country invaded, to engage in such expeditions; for they have no government, no protection, and the citizens of the United States, wherever they go, afford that protection which those people do not get from their nominal Government.



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